

Reissue Application 09/478,822

patent, which describe the problems and disadvantages associated with this known process. For instance, the prior process is cumbersome, the polymer/mineral oil emulsion is unstable, large amounts of heptane (a hazardous solvent) are required and must then be disposed of, and scale-up procedures are complicated. By contrast, as clearly laid out in the "Field of the Invention" and "Summary of the Invention" sections of our patent, the present invention overcomes these disadvantages via a hybrid solvent evaporation-extraction process. Simply put, the prior art teaches only an extraction process to remove organic solvent acetonitrile using mineral oil and a large quantity of heptane. Our process requires a combination of evaporation and extraction to remove the organic solvent, and thus a much smaller amount of non-polar organic solvent, such as heptane, is required. Indeed, other advantages flow from our process, including the ability to control the size of the microspheres produced.

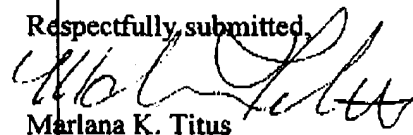
The prior art referred to in column 2 of our patent does not teach or suggest the evaporation step which is required in all of claims 11-27. On this basis alone, our claims are novel and non-obvious over the alleged "admissions" of column 2, lines 16-34. Withdrawal of this rejection is therefore believed to be in order.

The Examiner has also requested that the reference teaching the "admission" of column 2, lines 16-34 be supplied to him. In response, we file simultaneously herewith an Information Disclosure Statement, Form PTO-1449 and copies of references cited therein. Some of the references generally describe the prior art methodology referred to in column 2, lines 16-34.

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Having addressed the Examiner's concerns, this reissue application is believed to be in condition for allowance and notice to that effect is earnestly solicited. If the Examiner has any further inquiries, or any other issue relating to this application, he is invited to contact Applicants' representative, the undersigned, at (301) 924-9600.

Respectfully submitted,



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Atty Docket No. ARMY 104